



Attorney Docket No: 046914-5001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Robert Penn CAGLE et al.)
Application No.: 09/874,249) Examiner: K. Lim
Filed: June 6, 2001)
Date Allowed: October 7, 2004) Group Art Unit: 2153
For: HIGH AVAILABILITY FILE SERVER) Confirmation No.: 6758
FOR PROVIDING TRANSPARENT)
ACCESS TO ALL DATA BEFORE AND)
AFTER COMPONENT FAILOVER)
(As Amended))

Commissioner for Patents
U.S. Patent and Trademark Office

Sir:

COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

In response to the Statement of Reasons for Allowance dated September 30, 2004,
Applicants submit the following comments.

While Applicants agree that the claims are patentable, Applicants do not believe that the Statement of Reasons for Allowance in this case is proper under 37 C.F.R. § 1.104(e) and M.P.E.P 1302.14. For example, the Examiner recites features which may either be disclosed in the specification or follow naturally therefrom but are not expressly incorporated in the claims and accordingly should not be permitted to restrict the claimed invention. Further, while applicants believe that the claims are allowable and patentably distinguish over the prior art, applicants do not acquiesce that patentability resides in each feature, exactly as expressed in the claims, nor that each and every feature is required for patentability. Applicants submit that patentability is based on the claimed invention as a whole, and not solely on one or more particular features recited in the allowed claims.



PATENT APPLICATION
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US. Patent Application No. 09/874,249

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: January 4, 2005

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